

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-03-7

BOARD OF OVERSEERS OF THE BAR)

Plaintiff)

)

)

v.)

)

WILLIAM S. WILSON, JR., ESQ.)

of PORTLAND, Maine)

Me. Bar #1862)

Defendant)

**DISCIPLINARY
ORDER**

This matter came before the Court on September 15, 2004, pursuant to the Stipulated Waiver of Grievance Commission filed by the Board of Overseers of the Bar approved by the Court's Order of November 13, 2003. Bar Counsel J. Scott Davis, Esq. represented the Board and Douglas B. Chapman, Esq. represented Defendant William S. Wilson, Jr., Esq. who was also present at that time.

The following facts and resulting ethical violations were admitted by Mr. Wilson as follows:

TERESA KNIGHT

In February 2001 Mr. Wilson represented Teresa Knight before the Workers' Compensation Board for serious injuries she had sustained while employed at Cappy's Chowder House in Camden. That employer's insurance company filed a Petition for Review resulting in a February 2001 hearing held before the Board. Mr. Wilson was negligent in his representation of Knight by

failing to file medical evidence at the conclusion of that hearing despite repeated telephone calls from the Board to Mr. Wilson. Those medical records were in Mr. Wilson's possession and available to him to so file but he failed to do so for reasons which he now claims were related to substance abuse involving alcohol.

As a result of Mr. Wilson's negligence in the Knight matter, the Board issued an Order granting the Employers' Petition, whereupon Ms. Knight lost her workers' compensation benefits, including loss of income benefits.

In July 2001 Ms. Knight filed a legal malpractice action against Mr. Wilson for which Mr. Wilson defaulted by his failure to respond to the summons and complaint that had been served upon him.

On September 11, 2002, the Waldo County Superior Court (*Atwood, J.*) issued a default judgment against Mr. Wilson awarding Ms. Knight her lost workers' compensation benefits (including loss of income benefits) of \$341,037.84 and lost medical benefits for medical expenses totaling \$1,930,500.00, for a total judgment against Mr. Wilson of \$2,271,537.84.

Mr. Wilson acknowledged in his response to Bar Counsel's inquiry in the Knight matter that he "missed a critical filing deadline in the matter involving Ms. Knight's claim for workers' compensation . . . and caused Ms. Knight very significant loss and damage" Shortly before today's hearing, Mr. Wilson commenced settlement of Ms. Knight's default judgment against him. Mr. Wilson had no malpractice insurance coverage to address that judgment amount.

NORMAN CHEVALIER

In February 2002 Norman Chevalier retained Mr. Wilson for a fee of \$1,500.00 to handle a number of legal matters relating to Mr. Chevalier's claimed allegations of wrongful employment termination and related difficulties with a local school department.

Mr. Wilson failed to move those matters forward and also ignored his client's many inquiries as to the status of his cases, including Mr. Chevalier's letter informing Mr. Wilson that he was quite displeased and would be notifying the Board of Overseers of the Bar if action was not taken. Despite that "warning," Mr. Wilson continued to ignore Mr. Chevalier resulting in his filing of both a complaint before the Grievance Commission and a petition before the Fee Arbitration Commission.

In early 2003, nearly a year after being retained by Mr. Chevalier, Mr. Wilson fully refunded that \$1,500.00 fee to his client.

Mr. Wilson failed to ever submit any response to Bar Counsel concerning Mr. Chevalier's grievance complaint, and now admits he violated M. Bar R. 2(c) (failure to respond to Bar Counsel), 3.2(f)(1) and 3.6(a)(3) (neglect).

SUMMARY SUSPENSIONS

Mr. Wilson was admitted to the Maine bar in 1979 and has no prior disciplinary or sanction record on file with the Board, but due to his failure to properly register or pay the required annual fee to the Board of Overseers of the

Bar, effective November 8, 2002, he was summarily suspended from practice by the Board and has remained so suspended since that date. He also failed to meet his continuing legal education (CLE) requirements under M. Bar R. 12, which resulted in his being likewise summarily suspended for that failure, effective October 7, 2003. As a result of these failures by him and the resulting suspensions, Mr. Wilson has had no clients and has not practiced law since November 2002.

DISPOSITION

Mr. Wilson's misconduct in these matters was serious, and proper protection of the public requires a significant disciplinary sanction, which will also allow and reinforce his current attempts—as he and his attorney each expressed to the Court—to appropriately address personal issues and deficiencies which played a major part in his ethical violations.

“The purpose of bar discipline is not punishment, but protection of the public and the courts from attorneys who by their conduct have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties.” M. Bar R. 2(a). Mr. Wilson has admitted his misconduct and agreed that with assistance and counseling he is capable of changing his behavior and practice habits.

Therefore, upon consideration of all the facts and evidence and by stipulated agreement of the parties, the Court imposes the following sanction: Pursuant to M. Bar R. 7.2(b)(5) William S. Wilson, Jr. shall now receive a disciplinary suspension

from the practice of law in the State of Maine for a period of two (2) years commencing this date, September 15, 2004, with all but the period from September 15, 2004, through January 1, 2005, of that disciplinary suspension itself being suspended, subject to the following conditions:

1. On or before December 27, 2004, Mr. Wilson shall take all the necessary steps to remove the two current summary suspensions now in place against him under M. Bar R. 6(b) and 12(c), including payment of all arrearage registration fees and completion of at least twenty-two (22) hours of approved continuing legal education (CLE) with at least two (2) hours being primarily concerned with issues of professional responsibility or ethics;

2. The Court deems Mr. Wilson's settlement of the underlying Knight judgment to be a mitigating factor in this matter. Therefore, on or before September 24, 2004, Mr. Wilson shall complete settlement of the Knight matter and complete payment to Ms. Knight at least in the amount that was disclosed to Bar Counsel by Mr. Wilson's attorney;

3. At his own expense, Mr. Wilson shall continue his current participation in the Maine Assistance Program for Lawyers and Judges (MAP) and shall undergo assessment, testing, and treatment as well as enter into a contractual relationship with MAP, all to the satisfaction of the Director of MAP;

4. Mr. Wilson shall continue being treated by Dr. Benjamin Grasso for major depression to the satisfaction of both Dr. Grasso and the Director of MAP;

5. Prior to returning to active practice any time after January 1, 2005, Mr. Wilson must first receive and provide to Bar Counsel the separate written agreements and approvals of both the Director of MAP and Dr. Grasso that Mr. Wilson is appropriately prepared to so return to active practice, and must also proceed under M. Bar R. 7.3(j) (reinstatement) and file the required fee and completed Petition for Reinstatement with the Court and Board for appropriate processing and investigation by Bar Counsel, with any hearing thereof to be conducted directly before this Court, not the Grievance Commission; and

6. Bar Counsel may file a disciplinary information directly with the Court without any Grievance Commission review or hearing concerning either any apparent violation by Mr. Wilson of any of the conditions of this Order or any new complaints of professional misconduct allegedly committed by Mr. Wilson and received by the Board after this date.

Dated: September 15, 2004

/s/

Susan Calkins, Associate Justice
Maine Supreme Judicial Court